

### REMARKS

Claims 1-2, 4, 6, 9-11, 21, and 25 are pending and are rejected. Claim 21 is amended. Reconsideration and allowance of Claims 1-2, 4, 6, 9-11, 21, and 25 are respectfully requested.

#### Substance of Interview

Applicant thanks the Examiner for the telephonic interview between himself, Steve Nguyen, William Paradice, and Eric Kim on June 25, 2009.

An agreement was reached to withdraw the Objection to Specification, to withdraw the Rejection of Claims under 35 USC §112, and to withdraw the rejection of Claims under 35 USC §103.

In addition, Applicant agreed to amend Claim 21 to tie the method recited therein to a structure, as indicated above.

#### Objection to Specification

The Examiner objects to page 5 of the Specification because it "is not reproducible." Applicant has checked a copy of the Application as filed with the Patent Office via Express Mail No. EU018167536US on July 2, 2004, and there are no errors.

#### Claim Rejections under 35 USC §112, first paragraph

Claims 1-2, 4, 6, and 9-11 are rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the "specification does not adequately describe a token generator that comprises a priority encoder," and then states that "according to the specification, the token generator is a priority encoder." Paragraph [0049] of Applicant's specification states that "for some embodiments, token generator 306 is a conventional priority encoder that generates the tokens in response to signals on SL," which means that the token generator does not have to be a priority encoder. The word comprises, which is defined in Webster's dictionary as "to include within a particular scope," is specifically sanctioned by the MPEP §2111.03, which states that the term "comprising, which synonymous with "including," "containing," or "characterized by," is inclusive or open-ended." Thus, the

claims are in compliance with 35 USC §112, first paragraph.

Claim Rejections under 35 USC §112, second paragraph

Claims 1-2, 4, 6, and 9-11 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant notes that the table recited in Claim 1 is a physical element, as described in the specification, and therefore the claims are in compliance with 35 USC §112, second paragraph.

Claim Rejections under 35 USC §103

Claims 1, 2, 10-11, 21, and 25 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0150115 to Onvural et al (Onvural) in view of U.S. Patent 6,895,012 to Amou et al (Amou), the Admitted Prior Art (APA), U.S. Patent 5,706,224 to Srinivasan et al (Srinivasan), and U.S. Patent 5,912,893 to Rolfe et al (Rolfe).

Claim 4 is rejected under 35 USC §103(a) as being unpatentable over Onvural in view of Amou, APA, Srinivasan, Rolfe, and U.S. Patent 6,519,225 to Angle et al (Angle).

Claims 6 and 9 are rejected under 35 USC §103(a) as being unpatentable over Onvural in view of Amou, APA, Srinivasan, Rolfe, and U.S. Patent 6,011,798 to McAlpine (McAlpine).

The rejections are discussed individually below with respect to the independent claims.

Independent Claim 1

Applicants' Claim 1 recites, in part:

a token generator for generating a token for each packet, wherein the token generator comprises a priority encoder coupled to the compare logic and configured to generate each token in response to a next free address in the table, and wherein the departure time for each packet is stored in the row of the table addressed by the packet's token

None of the cited references disclose or teach a token generator for generating a token for each packet in response to a next free address in the table, as recited in Claim 1. Onvural teaches an index 22 that indicates which slots of the table already store packets, and that this index 22 is used to select a packet for transmission. If Onvural's index 22 was generated in response to a next free address, as suggested by the Office Action, then Onvural would select free (e.g., empty) slots for output, thereby destroying the function of Onvural's system.

Accordingly, Claim 1 patentable over the cited references.

Claims 2, 4, 6, and 10-11 depend from Claim 1 and therefore distinguish over the cited references for at least the same reasons as Claim 1.

#### Independent Claim 21

Applicants' Claim 21 recites, in part:

storing each packet's departure time at a location in a table addressed by the packet's token, wherein the token comprises a next free address in the table and is generated by a priority encoder coupled to the table

As discussed above with respect to Claim 1, none of the cited references disclose or teach "storing each packet's departure time at a location in a table addressed by the packet's token, wherein the token comprises a next free address in the table and is generated by a priority encoder coupled to the table," as recited in Applicants' Claim 21. Therefore Claim 21 is patentable over the cited references.

Claim 25 depends from Claim 21 and therefore distinguishes over the cited references for at least the same reasons as Claim 21.

CONCLUSION

In light of the above remarks, it is believed that Claims 1-2, 4, 6, 9-11, 21, and 25 are in condition for allowance and, therefore, a Notice of Allowance of 1-2, 4, 6, 9-11, 21, and 25 is respectfully requested. If the Examiner's next action is other than allowance as requested, the Examiner is requested to call the undersigned at (408) 236-6646.

June 25, 2009  
Dated

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. L. Paradise III', with a long horizontal flourish extending to the right.

William L Paradise III  
Attorney for Applicant  
Reg. No. 38,990